IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Anthony Dezonno	Art Unit:	2457
Serial No.:	10/037,998	Conf. No.:	6597
Filed:	January 3, 2002	Examiner:	Dalencourt, Yves
For:	METHOD OF ALLOCATING DATA COMMUNICATION SESSIONS BASED UPON USER INFORMATION		
Attorney Docket No.:	6065/83768		

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-0001

Sir:

In conjunction with the Request for Continued Examination submitted hereby in response to the Office Action of March 16, 2010, please amend the above-identified application as follows:

IN THE CLAIMS

In accordance with 37 C.F.R. § 1.121, the following LISTING OF CLAIMS identifies the claims as "original", "currently amended", "cancelled", "withdrawn", "new" "previously presented", or "not entered" as the case may be. In accordance with the Rules, the text of cancelled and not entered claims is not presented.

CLAIMS

1. (Currently Amended) A method of establishing communication sessions through the Internet, such method comprising:

receiving a request from a browser of an Internet requester currently accessing a website of an organization via the browser, the request activated by the requester without entry by the requester of requester identification and location and forwarded to the organization by the browser to request a communication session with a human agent of the website;

automatically recovering and analyzing browser associated information not entered by the requester relating to the request, without prompting the requestor for requester identification and location, prior to human agent assignment from the browser request by using a processor; and

selecting a human agent for the communication session automatically based upon a content of the analyzed browser associated information.

2. (Previously Presented) The method of establishing communication sessions as in claim 1 wherein the browser associated information includes information delivered with the request, router information retrieved based upon a URL of the browser and information retrieved from the browser about other communications sessions, and wherein the step of analyzing browser associated information further comprises automatically retrieving a list of router identifiers defining a path from the Internet requester to the website.

3. (Currently Amended) The method of establishing communication sessions as in claim 2 further comprising identifying a locale of an IP packet router in a closest relative location to the

requester and selecting the human agent based on proximity of the human agent to the requestor using the identified locale as the closet relative location to the requestor.

4. (Currently Amended) The method of establishing communication sessions as in claim 3 wherein the step of selecting the agent further comprises identifying ~~an agent in~~ the identified locale of the closest relative router by identifying packet switches through which the request passed from the requester to the website and determining an identifier of a first router that the request passed through from the requester.

5. (Currently Amended) The method of establishing communication sessions as in ~~claim 4~~ claim 3 wherein the step of analyzing browser associated information further comprises determining an organizational affiliation of the requester from the identified locale and a domain name of the request, and selecting the human agent based on the determined organizational affiliation.

6. (Original) The method of establishing communication sessions as in claim 5 wherein the step of selecting an agent further comprises retrieving a list of agents qualified to service communication sessions with the determined organization.

7. (Original) The method of establishing communication sessions as in claim 6 further comprising transferring a URL of the requester to the selected agent.

8. (Currently Amended) The method of establishing communication sessions as in claim 1 further comprising making available to the website a set of requestor designated shared files, ~~relayed~~related to communication activity of the requester and not including cookies, generated by a browser of the requester when the website indentifies itself as being part of an associated file sharing network, and using the shared file to determine and control agent selection.

9. (Currently Amended) The method of establishing communication sessions as in claim 8 further comprising detecting a set of file extension of the shared files, comparing the file extensions with a communications capability index and using the file extension to retrieve a specific set of communication capabilities that the human agent needs to effectively communicate with the requester..

10. (Original) The method of establishing communication sessions as in claim 9 further comprising comparing the file extensions with a communications capability index.

11. (Original) The method of establishing communication sessions as in claim 10 wherein the step of selecting the agent further comprises searching for an agent with a communication capability index substantially equal to the requester.

12. (Currently Amended) The method of establishing communication sessions as in claim 8 further comprising accessing requester contact lists containing URL's to web pages of competitors among the shared files, detecting a URL of a competitor including an identifier of a

webpage of a specific product of the competitor, and selecting the agent based on the specific product.

13. (Currently Amended) The method of establishing communication sessions as in claim ~~12~~1 wherein the ~~URL of the competitor further comprises an identifier of a webpage of a specific product of the competitor~~ website retrieves cookies left by competitors in the browser of the requestor and the agent is selected based upon the agents familiarity with products of the competitor determined from the retrieved cookies.

14. (Currently Amended) The method of establishing communication sessions as in claim ~~13~~1 further comprising comparing a domain name of a URL of the requester with a list of domain names and locations of known customers and detecting any matching customers and locations, and wherein the step of selecting the agent further comprises searching for an agent with ~~a~~ knowledge of ~~the specific product of the competitor~~ any problems associated with matched customers and locations.

15. (Currently Amended) An apparatus for of establishing communication sessions through the Internet, such apparatus comprising:

means for receiving a request from a browser of an Internet requester currently accessing a website, the request activated by the requester without entry by the requestor of requester identification or location and forwarded to the website by the browser to the request a communication session with a human agent of the website;

means for analyzing browser associated information relating to the request, prior to an agent assignment, to identify a location of the requester without requesting entry of the requester identification or location; and

means for automatically selecting a human agent for the communication session prior to establishing the communication session based upon a content of the analyzed browser associated information and the location.

16. (Previously Presented) The apparatus for establishing communication sessions as in claim 15 wherein the means for analyzing browser associated information further comprises means for automatically retrieving a list of router identifiers defining a path from the Internet requester to the website.

17. (Currently Amended) The apparatus for establishing communication sessions as in claim 16 further comprising means for identifying a locale of an IP packet router in a closest relative location to the requester by determining a router identifier of a first router that the request passed through from the requester from the list of router identifiers.

18. (Original) The apparatus for establishing communication sessions as in claim 17 wherein the means for selecting the agent further comprises means for identifying an agent in the identified locale of the closest relative router.

19. (Original) The apparatus for establishing communication sessions as in claim 18 wherein the means for analyzing browser associated information further comprises means for determining an organizational affiliation of the requester from a domain name of the request.

20. (Original) The apparatus for establishing communication sessions as in claim 19 wherein the means for selecting an agent further comprises means for retrieving a list of agents qualified to service communication sessions with the determined organization.

21. (Original) The apparatus for establishing communication sessions as in claim 20 further comprising means for transferring a URL of the requester to the selected agent.

22. (Currently Amended) The apparatus for establishing communication sessions as in claim 15 further comprising means at the website for retrieving a set of requester designated shared files related to communication activity of the requester and not including cookies, and generated by the browser of the requester when the website identifies itself as being part of an associated file sharing network and for using the shared files to determine and control agent selection.

23. (Previously Presented) The apparatus for establishing communication sessions as in claim 15 wherein the means for analyzing comprises means for determining a location of the requester and wherein the means for selecting further comprises means for selecting a human agent closest to the location of the requester.

24. (Currently Amended) The apparatus for establishing communication sessions as in claim 22 further comprising means for detecting a set of file extensions of the shared files and for comparing the file extensions with a communications capability index and using the file extensions to retrieve a specific set of communications capabilities that the human agent needs to effectively communicate with the requester.

25. (Original) The apparatus for establishing communication sessions as in claim 24 wherein the means for selecting the agent further comprises means for searching for an agent with a communication capability index substantially equal to the requester.

26. (Currently Amended) The apparatus for establishing communication sessions as in claim 22 further comprising means for accessing requester contact lists containing URL's to web pages of competitors among the shared filed, and for detecting a URL of a competitor from the contact lists.

27. (Currently Amended) The apparatus for establishing communication sessions as in claim 26 wherein the URL of the competitor further comprises an identifier of a webpage of a specific product of the competitor and further comprising means for searching for an agent with knowledge of the specific product.

28. (Currently Amended) The apparatus for establishing communication sessions as in claim ~~27~~15 further comprising means for comparing a domain name of a URL of the requester with a list of domain names and locations of known customers and detecting a matching customer, and

wherein the means for selecting the agent further comprises means for searching for an agent with ~~a~~ knowledge of ~~the specific product of the competitor~~ any problem associated with the matching customer.

29. (Currently Amended) An apparatus for of establishing communication sessions through the Internet, such apparatus comprising:

a website adapted to receive a request from a browser of an Internet requester accessing the website, the request activated by the requester without entry by requestor of requester identification or location and forwarded to the website by the browser requesting a communication session with a human agent of the website;

a packet analyzer adapted to automatically analyze browser associated information relating to the request prior to an agent assignment without entry by the requestor of requester identification or location, wherein the browser associated information comprises at least one of information not entered by the requester delivered to a server along with the request from the browser, router information retrieved by the server based upon a URL of the browser, and information retrieved by the server from the browser about communication sessions with other servers; and

an agent selection application adapted to automatically select a human agent for the communication session based upon a content including at least location information determined from ~~of~~ the analyzed browser associated information.

30. (Previously Presented) The apparatus for establishing communication sessions as in claim 29 wherein the packet processor further comprises a TRACEROUTE application adapted to

automatically retrieve a list of router identifiers defining a path from the Internet requester to the website.

31. (Original) The apparatus for establishing communication sessions as in claim 30 wherein the packet processor further comprises an agent selection application adapted to identify an agent in the identified locale of the closest relative router.

32. (Original) The apparatus for establishing communication sessions as in claim 31 wherein the agent selection application further comprises an agent lookup table adapted to retrieve a list of agents in the identified locale of the closest relative router.

33. (Original) The apparatus for establishing communication sessions as in claim 31 further comprising a communication processor adapted to transfer a URL of the requester to the selected agent.

34. (Previously Presented) The apparatus for establishing communication sessions as in claim 29 wherein the browser associated information further comprises a set of shared files related to communication activity of the requester and generated by the browser of the requester made available to the website from a browser of the requester when the website identifies itself as being part of an associated file sharing network.

35. (Original) The apparatus for establishing communication sessions as in claim 34 wherein the set of shared files further comprises a set of file extensions of the shared files.

36. (Original) The apparatus for establishing communication sessions as in claim 35 further comprising a file analyzer adapted to comparing the file extensions with a communications capability index.

37. (Original) The apparatus for establishing communication sessions as in claim 36 wherein the file analyzer further comprises a communication capability index.

38. (Original) The apparatus for establishing communication sessions as in claim 34 wherein the set of shared files further comprises a cookie left by another server.

REMARKS

Reconsideration and further examination of the subject patent application in view of the RCE submitted herewith and in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-38 are currently pending in the application. Claims 1, 15-21, and 29-33 have been rejected under 35 U.S.C. §102(e) as being anticipated by Petrovykh (U.S. Pat. Pub. No. 2008/0071917 "Petrovykh"). Claims 2-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Petrovykh in view of U.S. Pat. No. 5,884,032 to Bateman et al ("Bateman"). Claims 8-14, 22-28, and 34-38 have been rejected as unpatentable over Petrovykh in view of Landsman et al. ("Landsman") (U.S. Pat. No. 6,785,659). Claims 1, 3-5, 8, 9, 12-15, 17, 22, 24 and 26-29 have been amended. After careful review of the claims and references, applicant believes that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1, 15-21, and 29-33 have been rejected as anticipated by Petrovykh, which describes a system for routing instant messages and reporting communications center presence information to clients. However, Petrovykh does not disclose automatically analyzing browser information, or automatically selecting an agent based upon the browser information. Claims 1, 15 and 29 have been amended to clarify that the request for a human agent is made without entry of identification or location by the requester (see, e.g. paragraphs 0005; 0015; 0020-27), and claim 3 been amended to recite selecting using the identified locale of the closest IP packet router (see e.g., paragraph 0027). Claims 4 and 17 have been amended to clarify identifying the closest router (see e.g., paragraph 0024 and 0025). Claims 8 and 22 have been amended to clarify that share files do not include cookies and are used to determine agent selection (see, e.g. paragraphs 0030 to 0033). Claims 12, 26 and 27 have been amended to include accessing lists of

web pages of competitors among the requester's shared files and using so identified competitor products to select agents (see, e.g. paragraph 0041). Claims 9 and 24 have been amended to call for using extensions of shared files to determine agent capability needs (see, e.g. paragraph 0036). Claims 13, has been amended to recite retrieving cookies of competitors and selecting the agent based thereon (see, e.g. paragraph 0043). Claims 14 and 28 have also been amended to claim comparing domain names to detect customers and searching for an agent based thereon (see, e.g. 0028).

The first element of claims 1, 15, and 29 requires receiving from a browser a request on a website for communication with a human agent activated by the requester accessing a website. The Office Action asserts that this is disclosed in paragraphs 0032, 0085 and 0112 of Petrovykh. However, paragraphs 0032 is a summary description of an instant message routing system which does not describe a browser or a request from a browser, access to a website, or forwarding by a browser. The description calls for an instant message server establishing an instant message connection, no browser or website is described or involved. Paragraph 0085 merely describes presence reporting wherein a web form is presented on a web page regarding the reason for the contact with the web site submitted to a presence server, there is no request for an agent; while paragraph 0112 merely describes non-human agents such as callback servers. Neither paragraph describes a request from a browser of a requester accessing a website for communications with an agent or doing so without entry of requester identification and location. Thus, Petrovykh does not disclose the claimed receiving of a request for communication with a human agent activated by the user from the browser of a website user, as claimed.

Regarding the second element of claims 1, 15 and 29, the Office Action asserts that analyzing browser associated information relating to the request is taught by paragraphs 0083;

0085; 0087; and 0189 of Petrovykh. However, Petrovykh does not teach automatically analyzing browser associated information. Paragraph 0083 describes contact options of a telephone call 72, e-mail 74, or call back 76 for a caller in a queue but does not describe automatic recovery of browser information. Paragraph 0085 of Petrovykh discloses presence reporting wherein a web form to be filled out by the user is presented on a web page regarding the reason for the contact with the web site submitted to a presence server; while paragraph 0087 analyzes the request and obtains agent availability data and sends it back to the presence server. None of this describes a browser request for human agent or analyzing browser associated information of a request for a human agent without requesting entry of requester location and identification. Paragraph 0189 describes a proxy server routing an IM requesting communication but does not concern a request initiated from a browser for a session with a human agent of the website, and does not analyze browser information. Thus, there is no automatic, machine analysis of browser associated information related to the request for human agent without entry by the requester of requester identification or location. Therefore, this claimed feature of automatic analysis is not disclosed by Petrovykh.

The third element of claims 1, 15 and 29, automatic selecting, is also missing from Petrovykh. The Office Action asserts that selecting a human agent for the communication session based upon a content of the analyzed browser associated information is taught by paragraphs 0087, 0168 and 0189 of Petrovykh. However, as discussed above, paragraphs 0087 and 0189 do not describe assigning based upon content of the browser associated information. Further, paragraph 0168 describes a user interface 125 in which element 133 allows a client to enter general desires, but does not mention selecting the agent based on browser related information. The Office Action assets that Petrovykh discloses software that analyzes the

received request and pulls current agent availability data. Even if this were true, the claims call for selecting the agent based on the browser associated information not on the analysis of the request. This describes pulling agent availability data which has nothing to do with browser information of the request. Thus, these independent claims 1, 15, and 29 are distinguishable over Petrovykh, as are all the dependent claims 2-14, 16-28, and 30-39 which are dependent upon now allowable claims 1, 15 and 29. With regard to amended claims 3, 4, 5, 8, 9, 12, 13, 14, 17, 22, 24 and 26-28, the newly claimed features are believed to be further distinguishable over the cited references.

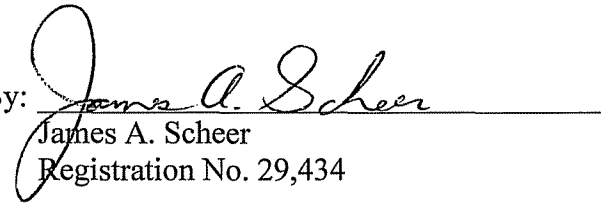
For the foregoing reasons, applicant submits that claims 1-38 are allowable and that the subject application is in condition for allowance, and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the extension of time fee, RCE fee, petition fee, extra claims fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

HUSCH BLACKWELL SANDERS
WELSH & KATZ

By: 
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